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IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/012764
International Filing Date : November 11, 2004
Priority Date(s) Claimed : December 10, 2003
Applicant(s) (DO/EO/US) : Dirk FINSINGER et al.

Title: DIACYLHYDRAINE DERIVATIVES

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
 - within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - within three months of the actual filing date of the national phase of a PCT application; OR
 - before the mailing of a first substantive office action (including after filing of an RCE).
- Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
 - a final rejection under 37 C.F.R. 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
 - a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
 - a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- a final action under 37 C.F.R. § 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2);
 - OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an international search report dated March 3, 2005.
- Not required by 37 CFR § 1.98.
- Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

Translation of other relevant information on foreign search report

[insert necessary translation here]

Other Information

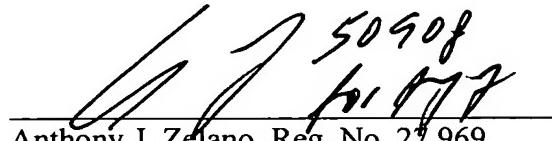
Payment of Fees Due (If Any):

A check for \$_____ covering the fee identified above is attached.

Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



50908
6/12/06

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Attorney Docket No.: MERCK-3171

Date: June 12, 2006

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	Unassigned
				Filing Date	June 12, 2006
				First Named Inventor	Dirk FINSINGER et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	2	Attorney Docket Number	MERCK-3171

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	1	5354762			October 11, 1994
	2	2003207914			November 6, 2003
	3	2001011136			August 2, 2001

FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office ³	Number ⁴	Kind Code ⁵ (if known)		
	5	WO	2004085399		Merck Patent GmbH	October 7, 2004
	6	WO	2004037789		Merck Patent GmbH	May 6, 2004
	7	WO	2004019941		Merck Patent GmbH	March 11, 2004
	8	EP	0253468		Rohm and Haas Company	January 20, 1998
	9	WO	02085857		Bayer Corporation	October 31, 2002
	10	WO	9324468		CIBA-GEIGY AG	December 9, 1993
	11	WO	03037864		Japan Tobacco Inc.	May 8, 2003
	12	WO	0042012		Bayer Corporation	July 20, 2000

Examiner Signature	Date Considered
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

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				Filing Date	June 12, 2006
				First Named Inventor	Dirk FINSINGER et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
(use as many sheets as necessary)				Attorney Docket Number	MERCK-3171
Sheet	2	of	2		

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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